

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

KAMAL KARNA ROY,

Plaintiff,

8:08-CV-455  
(GLS/DRH)

v.

USA,

Defendant.

---

APPEARANCES:

KAMAL KARNA ROY  
Plaintiff Pro Se  
Post Office Box 1173  
14 Kiwassa Road  
Apartment 5G  
Saranac Lake, New York 12983-7173

**DAVID R. HOMER**  
**U.S. Magistrate Judge**

**REPORT-RECOMMENDATION AND ORDER**

On April 23, 2008, plaintiff Kamal Karna Roy ("Roy") filed a complaint against the United States of America. Docket No. 1. The complaint was made on a preprinted form in illegible handwriting with notations in no particular order in the margins and between lines. Id. The complaint was illegible and unintelligible. On May 20, 2008, the Court determined that the complaint failed to satisfy the basic pleading requirements and directed that Roy filed an amended complaint within thirty days that fully complied with Rules 8 and 10 of the Federal Rules of Civil Procedure. Docket No. 4. Roy has since mailed to the Clerk's Office on separate occasions voluminous documents consisting of similarly illegible and unintelligible papers. See, e.g., Docket No. 5.

Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, a court may dismiss an action, on motion or its own initiative, for the "failure of the plaintiff to prosecute or to

comply with [the Federal Rules of Civil Procedure] or **any order of court**[" Fed. R. Civ. P. 41(b) (emphasis added). Rule 37 of the Federal Rules of Civil Procedure also authorizes dismissal of an action due to a party's failure to comply with discovery and court orders. See also N.D.N.Y.L.R. 1.1(d) & 7.1(d). Here, despite several opportunities to correct the defects in his pleadings, Roy has failed to do so and it remains impossible to discern from Roy's pleadings the precise -- or even approximate -- claims he seeks to assert. Roy has thus failed to comply with this Court's order of May 20, 2008 directing him to file a complaint which complies with the Federal Rules of Civil Procedure.

Therefore, based on the foregoing, it is hereby


**RECOMMENDED** that this case be **DISMISSED** for failure to comply with the Court's order of May 20, 2008 (Docket No. 4); and it is hereby

**RECOMMENDED** that any future submissions by Roy be returned to him without filing; and it is hereby

**ORDERED** that the Clerk serve a copy of this Order on the Roy by regular mail.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may lodge written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court. **FAILURE TO OBJECT TO THIS REPORT WITHIN TEN DAYS WILL PRECLUDE APPELLATE REVIEW.** Roldan v. Racette, 984 F.2d 85, 89 (2d Cir. 1993); Small v. Secretary of Health and Human Services, 892 F.2d 15 (2d Cir. 1989); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

Dated: July 11, 2008  
Albany, New York

  
United States Magistrate Judge